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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,651	09/23/2003	R. Dean Adams	026661-000400US	2077
20350 7590 06/18/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER CHUNG, PHUNG M				
ART UNIT		PAPER NUMBER		
2117				
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06/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,651

Applicant(s)

ADAMS ET AL.

Examiner

PHUNG My CHUNG

Art Unit

2117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/22/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 16-22 is/are allowed.
- 6) ☒ Claim(s) 15 and 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is remain rejected under 35 U.S.C. 101 because the claimed invention merely recited computer product embodied in a tangible computer readable medium, but the specification fails to disclose what kind of computer readable medium it is. Therefore, claim 15 is directed to non-statutory subject matter.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: for example, the specification fails to provide antecedent basis for the claim terminology "medium". it is unclear whether the computer-readable medium is a disk storage medium or a carrier wave. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 23-29 are remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 23, line 1, the preamble of the claim is an apparatus for repairing a memory, but there isn't any means or device for repairing the memory that is recited in the body of the claim.

As per claims 24-29, these claims are also rejected because they dependent upon the rejected base claim.

4. Claims 1-14 and 16-22 are allowable.
5. Applicant's arguments filed on 2/22/08 have been fully considered but they are not persuasive because:

Firstly, Applicant argues that "a computer readable medium is apparent from the descriptive portion of the specification. For, example, FIG. 1 clearly shows a memory 100 which would be understood to be a computer readable medium by the ordinarily skilled artisan. Memory 100 may be SRAM, DRAM, or "any other volatile or non-volatile memory. (Specification: Page 6, lines 14-18). In other examples, FIGS. 5, 6, 7, and 8 shows memories. (Specification: Page 9, lines 19-20). Thus, the specification in fact discloses several examples of computer readable mediums; and

Applicants have amended claim 15 to recite a tangible computer readable medium. As illustrated above, the specification discloses several examples of tangible computer readable mediums".

Examiner disagrees with applicant because, the claim as amended is "a computer program product embodied in a tangible computer readable medium...". However, the specification does not disclose anywhere that a memory 100 is a computer readable medium, and the medium may be SRAM, DRAM, or any other volatile or non-volatile memory". Therefore, the computer readable medium could be paper or another suitable medium upon which the program is printed, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or otherwise processed in a suitable manner if

necessary, and then stored in a computer memory. Thus, claim 15 is not patentable under 35 U.S.C. 101.

Secondly, Applicant argues that the amended claim 23 recites “an apparatus for repairing a memory, the apparatus comprising:” therefore claims 23-29 are allowable.

Examiner disagrees with applicant because applicant because the preamble of the amend claim 23 is “An apparatus for repairing a memory”, but there still isn't any means or device for repairing the memory that is recited in the body of the claim. Therefore, claims 23-29 are remain rejected.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG My CHUNG whose telephone number is (571)272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phung My Chung/
Primary Examiner, Art Unit 2117